



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105-3901

Via Certified Mail Nos.: 7008-1140-0004-5421-<sup>1712</sup>~~1682~~, -1699, -1705  
Return Receipt Requested

JUN 04 2013

PTP Inc. (Certified Mail No: <sup>1712</sup>~~1682~~)  
c/o Mr. Howard Yarborough  
Yarborough & Company  
101 W. Arroyo Street  
Reno, Nevada 89506

Pine View Estates Homeowners Association  
c/o Judy M. Sheldrew (Certified Mail No: -1699)  
P.O. Box 1987  
Minden, Nevada 89423

Mr. Leon Mark Kizer (Certified Mail No: -1705)  
Washoe Tribe  
919 US Hwy 395 South  
Gardnerville, Nevada 89410

Re: Pine View Estates Subdivision - Notice of Proposed Compliance Order;  
EPA Docket No. UIC-09-2013-0001

Dear Mr. Yarborough, Ms. Sheldrew, and Mr. Kizer:

We write to notify each of you that EPA is issuing the enclosed Proposed Administrative Order for Compliance (Compliance Order) to you pursuant to section 1423(c) of the federal Safe Drinking Water Act (Act), 42 U.S.C. § 300h-2(c), for violations of the Act and its Underground Injection Control (UIC) Program requirements at 40 CFR Part 144 concerning the Pine View Estates underground wastewater disposal system (the "System") near Gardnerville, Douglas County, Nevada. The purpose of this letter is to also notify you of your opportunity to request a hearing and/or provide comment on this proposed Compliance Order. We provide this notice in accordance with section 1423(c)(3)(A) of the Act, 42 U.S.C. § 300h-2(c)(3)(A).

We encourage you to carefully read the proposed Compliance Order since it describes the factual basis of the violations and the requirements for the compliance activities that EPA proposes you undertake in the Compliance Order. The violations at issue are based on the results of groundwater well monitoring at the System conducted in 2010 through 2012. The analytical results of this monitoring show your operation and maintenance of the System contaminated an underground source of drinking water with nitrates and total fecal coliform, in violation of UIC requirements at 40 C.F.R. § 144.12(a) and 40 C.F.R. § 144.82(a)(1). The detection of nitrates during groundwater well monitoring also indicated an "upset condition" that should have resulted in the closure and repair or replacement of one of the System's UIC

Class V injection wells pursuant to the UIC Permit that currently authorizes the disposal of wastewater effluent generated at Pine View Estates. Your failure to cease injection activity at this UIC well in response to numerous upset conditions violates the UIC Permit as well as the Act. The enclosed proposed Compliance Order would have you address these violations and bring the Pine View Estates wastewater disposal system into compliance with the UIC Program.

Pursuant to section 1423(c)(3)(A) of the Act, 42 U.S.C. § 300h-2(c)(3)(A), the final Compliance Order shall be issued by EPA after opportunity for a hearing. Before issuing the Compliance Order, we are required to provide you with this written notice of EPA's proposal to issue the Compliance Order and the opportunity to request, within 30 days of your receipt of this letter, a hearing on the proposed Compliance Order. The hearing shall not be subject to sections 554 or 556 of the federal Administrative Procedures Act, 5 U.S.C. §§ 554, 556, but shall provide you with a reasonable opportunity to be heard and to present evidence. You must send any request for a hearing on the proposed Compliance Order to:

Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 9  
75 Hawthorne Street (ORC-1)  
San Francisco, California 94105

Pursuant to section 1423(c)(3)(B) of the Act, 42 U.S.C. § 300h-2(c)(3)(B), EPA will also provide public notice of, and reasonable opportunity to comment on, this proposed Compliance Order on the EPA Region 9 website at [www.epa.gov/region9](http://www.epa.gov/region9). This opportunity to comment is available to you, as well as any other citizen. Any citizen who comments on this proposed Compliance Order shall be given notice of any hearing held regarding the proposed Compliance Order, pursuant to 42 U.S.C. § 300h-2(c)(3)(C). In any hearing held pursuant to section 1423(c)(3)(A) of the Act, 42 U.S.C. § 300h-2(c)(3)(A), any citizen who commented on the proposed Compliance Order shall have a reasonable opportunity to be heard and to present evidence.

If you have technical questions related to this matter, please contact Aaron Setran in our Enforcement Division's Water and Pesticides Branch at (415) 972-3457 or [setran.aaron@epa.gov](mailto:setran.aaron@epa.gov). For all legal questions, please contact Rich Campbell in our Office of Regional Counsel at (415) 972-3870 or [campbell.rich@epa.gov](mailto:campbell.rich@epa.gov).

Sincerely,



Kathleen H. Johnson, Director  
Enforcement Division

Enclosures:

- Proposed Compliance Order
- U.S. EPA Small Business Resources Fact Sheet

cc (w/ enclosures):

Little Fawn Boland, Esq., LFB Legal, 525 Market St., 25<sup>th</sup> Floor, San Francisco, CA 94105

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US EPA - REGION IX  
HEARINGS CLERK

Robert Moyer  
Acting Regional Counsel  
United States Environmental Protection Agency, Region IX

Rich Campbell  
Assistant Regional Counsel  
United States Environmental Protection Agency, Region IX  
75 Hawthorne Street  
San Francisco, California 94105

Attorneys for Complainant

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX**

IN THE MATTER OF:  
Pine View Estates Subdivision, Nevada

PTP Inc., a Nevada corporation,  
Leon Mark Kizer, an individual, and  
the Pine View Estates Homeowners  
Association, a Nevada corporation

Respondents.

Proceedings under Section 1423(c) of the Safe  
Drinking Water Act, 42 U.S.C. § 300h-2(c)

) DOCKET NO. UIC-09-2013-0001

**PROPOSED  
ADMINISTRATIVE ORDER  
FOR COMPLIANCE**

**I. AUTHORITY**

The United States Environmental Protection Agency (EPA) issues this Compliance Order pursuant to section 1423(c) of the federal Safe Drinking Water Act (Act), 42 U.S.C. § 300h-2(c), which authorizes EPA to issue an administrative order against any person who violates the Act or any requirement of an applicable UIC program. Based on the findings below, and pursuant to EPA's authority under section 1423(c) of the Act, 42 U.S.C. § 300h-2(c), and 40 C.F.R. § 144.12(c), EPA issues this ORDER.

In the Matter of: Pine View Estates  
Proposed Compliance Order

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### A. THE RESPONDENTS

1. Respondent Leon Mark Kizer (Kizer) is an individual and is therefore a “person” within the meaning of section 1401(12) of the Act, 42 U.S.C. § 300f(12), and 40 C.F.R. § 144.3.

2. Respondent PTP Incorporated (PTP) is an active domestic corporation, registered in the State of Nevada on May 9, 1997 (corporate entity no. C10014-1997), and is therefore a “person” within the meaning of section 1401(12) of the Act, 42 U.S.C. § 300f(12), and 40 C.F.R. § 144.3.

3. Respondent Pine View Estates Homeowners Association (HOA) is an active domestic non-profit corporation, registered in the State of Nevada as a corporation on December 18, 1998 (corporate entity number C29599-1998), and is therefore a "person" within the meaning of section 1401(12) of the Act, 42 U.S.C. § 300f(12), and 40 C.F.R. § 144.3.

## **B. FEDERAL STATUTORY AND REGULATORY BACKGROUND**

4. Part C of the SDWA, 42 U.S.C. §§ 300h-300h-8, requires EPA to regulate underground injection of fluid through wells to assure that underground sources of drinking water (USDW) are not endangered.

5. Section 1422(e) of the Act, 42 U.S.C. §§ 300h-1(e), requires EPA to regulate the UIC Program on Indian Lands, which include Indian allotment land, if there is otherwise no EPA approved UIC Program. EPA Region IX directly implements the UIC Program on Indian Lands in Nevada. *See* 40 C.F.R. subpart DD, § 147.1451.

6. 40 C.F.R. § 144.3 defines a USDW to mean an aquifer that contains less than 10,000 parts per million (ppm) total dissolved solids (TDS), and which contains sufficient water to supply a public water system.

7. 40 C.F.R. § 144.12(a) provides that no owner or operator shall construct, operate, maintain, convert, plug, abandon, or conduct any other injection activity in a manner that allows the movement of fluid containing any contaminant into USDWs, if the presence of that

1 contaminant may cause a violation of any primary drinking water regulation under 40 CFR Part  
2 142 or may otherwise adversely affect the health of persons.

3 8. 40 C.F.R. part 142, § 142.2, defines national primary drinking water regulation to mean  
4 any primary drinking water regulation contained in 40 C.F.R. part 141. The drinking water  
5 regulations at 40 C.F.R. part 141 provide that the presence of nitrate in drinking water above 10  
6 mg/l is a violation of the maximum contaminant level (MCL) for nitrate at 40 C.F.R. §141.62(b).  
7 Any fecal coliform-positive repeat sample, or any total coliform-positive repeat sample  
8 following a fecal coliform-positive routine sample, constitutes a violation of the MCL for total  
9 coliform at 40 C.F.R. § 141.63(b).

10 9. 40 C.F.R. § 144.31 provides that all UIC injection activities must be authorized by rule  
11 or by permit.

12 10. 40 C.F.R. § 144.37 allows for the administrative continuance of UIC permits where the  
13 permittee makes a timely and complete application for renewal and EPA does not act to renew  
14 the permit through no fault of the permittee.

15 11. 40 C.F.R. § 144.38 provides, *inter alia*, that a UIC permit may be transferred by the  
16 permittee to a new owner or operator only if the permit has been modified or revoked and  
17 reissued, or a minor modification made, to identify the new permittee and incorporate such other  
18 requirements as may be necessary under the Act. *Id.* A notice of transfer must be provided to  
19 EPA at least 30 days in advance of the proposed transfer date. *Id.* The notice must include, *inter*  
20 *alia*, a written agreement between the existing and new permittees containing a specific date for  
21 transfer of permit responsibility, coverage, and liability between them. *Id.* The notice must also  
22 demonstrate that the new permittee meets UIC Program financial responsibility requirements. *Id.*

23 12. 40 C.F.R. part 144, subpart E, includes conditions applicable to all UIC permits. 40  
24 C.F.R. subpart E, § 144.51(a), provides that any permit or regulatory noncompliance constitutes  
25 a violation of the Act, and is grounds for an enforcement action.

1 13. 40 C.F.R. § 144.82(a) provides that the owner or operator of any Class V well cannot  
2 allow the movement of fluid containing any contaminant into USDWs, if the presence of that  
3 contaminant may cause a violation of the primary drinking water standards under 40 C.F.R. part  
4 141, other health based standards, or may otherwise adversely affect the health of persons. This  
5 prohibition applies to Class V well construction, operation, maintenance, conversion, plugging,  
6 closure, or any other Class V well injection activity.

7 14. 40 C.F.R. § 144.12(c) provides that for Class V wells, if any time EPA learns that a Class  
8 V well may cause a violation of primary drinking water regulations under 40 C.F.R. part 142,  
9 EPA shall: (1) Require the injector to obtain an individual permit; (2) order the injector to take  
10 such actions (including, where required, closure of the injection well) as may be necessary to  
11 prevent the violation; or (3) take enforcement action.

12 C. GENERAL ALLEGATIONS

13 15. The United States Government holds approximately 300 parcels of Indian allotment lands  
14 in Douglas County, Nevada, in trust for hundreds of individual Indian landowners. These trust  
15 lands are administered by the U.S. Bureau of Indian Affairs (BIA) and are collectively known as  
16 the "Pine Nut Allotments."

17 16. Respondent Kizer is an individual Indian landowner of an approximately 63-acre parcel  
18 of Pine Nut Allotment trust land (Property), known as Public Domain Allotment CC-234, and  
19 located approximately five miles southeast of Gardnerville, Douglas County, Nevada, adjacent to  
20 U.S. Highway 395.

21 17. On October 8, 1997, Respondent Kizer entered into a lease agreement (Lease) with  
22 Respondent PTP Inc., a land developer, for the purpose of constructing a 240-home residential  
23 subdivision on the Property currently known as "Pine View Estates."<sup>1</sup>

24 \_\_\_\_\_  
25 <sup>1</sup> The subdivision is also sometimes referred to as "Pineview Estates." EPA chooses to refer to the  
subdivision as "Pine View Estates," which is consistent with its reference in the Lease, as recorded in  
BIA's Division of Land Titles and Records.



1 18. On October 8, 1997, BIA's Western Nevada Agency approved the Lease pursuant to  
2 its federal Indian trust responsibilities over the Pine Nut Allotments.

3 19. On March 16, 1999, BIA made a Finding of No Significant Impact in its Environmental  
4 Assessment of the Pine View Estates development, performed pursuant to the National  
5 Environmental Policy Act, 42 U.S.C. 4331 *et seq.*, in which BIA found that "[p]ublic health  
6 issues including ... quality of ground water and an adequate sewer system have been addressed."

7 20. In 1999, Respondent PTP completed installation of a drinking water system at Pine View  
8 Estates. The Pine View Estates drinking water system's source of drinking water is groundwater.

9 21. On April 6, 2004, Respondent PTP applied for a UIC permit from EPA to authorize  
10 injection of wastewater effluent generated at Pine View Estates to two drainfields classified as  
11 Class V injection wells, referred as "Disposal Fields A and B."

12 22. On September 7, 2004, EPA Region IX issued Class V UIC Permit No. NV504000001  
13 (UIC Permit) to Respondents Kizer and PTP which authorized injection activity associated with  
14 Disposal Fields A and B, which are further identified by EPA in the UIC Permit as UIC Well  
15 Nos. NV-WAS-5W32-001 and 0002, respectively.

16 23. The UIC Permit, Part II.C.2, required the installation of four groundwater monitoring  
17 wells at each of Disposal Fields A and B.

18 24. The UIC Permit, Part II.F.3.a, provides that monthly groundwater samples from the  
19 monitoring wells at Disposal Fields A and B must be analyzed for, among other constituents,  
20 fecal coliform, nitrates, and coliphage.

21 25. The UIC Permit, Part II.D.2.a.iii, provides that detection of nitrates or coliphage from  
22 groundwater monitoring well sampling at Disposal Fields A and B performed pursuant to Part  
23 II.F.3 of the UIC Permit constitutes an "upset condition" and a failure to comply with the UIC  
24 Permit.

1       26. The UIC Permit, Part II.D.2.b, provides that in the event of an upset condition resulting  
2 from the detection of nitrates or coliphage at the groundwater monitoring wells at Disposal  
3 Fields A and B, the Permittees shall immediately cease all injection activities at the failing  
4 injection wells until compliance is achieved.

5       27. The UIC Permit, Part III.B.1, provides that the UIC Permit is not transferable to any  
6 person except after notice is provided to EPA and the Permittees comply with the UIC permit  
7 transfer requirements of 40 C.F.R. § 144.38.

8       28. Respondent PTP used the groundwater monitoring wells to conduct monitoring at  
9 Disposal Fields A and B until on or about September 1, 2009. After September 1, 2009,  
10 Respondent HOA assumed the UIC Permit's monitoring responsibilities, as well as operation  
11 and maintenance of Disposal Fields A and B.

12       29. On or about April 29, 2009, Respondent PTP submitted a complete application to EPA to  
13 renew the UIC Permit.

14       30. On September 9, 2009, the UIC Permit expired without EPA acting on the April 29, 2009  
15 UIC Permit renewal application.

16       31. On or about September 1, 2009, the HOA informally assumed the UIC Permit's  
17 operation, maintenance, and monitoring responsibilities. Neither UIC Permit holder (i.e., PTP or  
18 Kizer) has ever filed a notice of transfer to EPA which effectively transfers the UIC Permit to the  
19 HOA as required by the UIC Permit, Part III.B.1. None of the Respondents have complied with  
20 the UIC permit transfer requirements of 40 C.F.R. § 144.38.

21       32. On January 5, 2011, EPA Region IX issued a Notice of Violation (2011 NOV) to  
22 Respondents Kizer, PTP and the HOA putting them on notice that the analytical results of  
23 groundwater well monitoring at Disposal Field A between January 19, 2010 and September 20,  
24 2010 indicated the movement of fluid containing nitrate above its MCL, and fecal coliform, into  
25 the USDW underlying Disposal Field A.



1 **D. FINDINGS OF VIOLATIONS**

2 **1. Violation of Prohibition of Movement of Fluid to USDW**

3 33. The analytical results of the HOA's groundwater well monitoring at Disposal Field A  
4 between January 19, 2010, and December 31, 2012, indicated levels of nitrate above its 10 mg/l  
5 MCL at 40 C.F.R. § 141.62(b) in every sample result reported to EPA. *See Exhibit A* (graph  
6 showing nitrate MCL exceedences from January 2010 through December 2012).

7 34. The analytical results of the HOA's groundwater well monitoring at Disposal Field A  
8 between January 1, 2010 and December 31, 2012 indicated the presence of fecal coliform on  
9 multiple occasions. *See Exhibit B* (chart indicating instances of the presence of fecal coliform.)

10 35. Based on the results of the HOA's groundwater well monitoring at Disposal Field A  
11 conducted in 2010, 2011, and 2012, Respondents have operated and maintained Disposal Field A  
12 in a manner that has allowed the movement of wastewater effluent containing levels of nitrate  
13 above its MCL and/or containing the presence of fecal coliform into a USDW, in violation of 40  
14 C.F.R. § 144.12(a), and 40 C.F.R. § 144.82(a)(1).

15 **2. Failure to Comply with UIC Permit Requirements**

16 36. Respondent PTP submitted a timely and complete application to renew the UIC Permit  
17 on April 29, 2009. Although EPA did not act to renew the UIC Permit prior to its expiration on  
18 September 1, 2009, the UIC Permit was administratively continued pursuant to 40 C.F.R. §  
19 144.37, and remains fully effective and enforceable.

20 37. The detection of nitrates in groundwater samples collected from the Disposal Field A  
21 groundwater monitoring wells between January 19, 2010 and December 31, 2012, constitutes an  
22 "upset condition" under Part II.F.3 of the UIC Permit. *See Attachment A.*

23 38. Respondents PTP and Kizer failed to immediately cease injection activity at Disposal  
24 Field A in response to the "upset condition," as required by Part II.D.2.b of the UIC Permit.  
25

1 39. The failure by Respondents PTP and Kizer to comply with Part II.D.2.b of the UIC  
2 Permit constitutes a violation of the Act pursuant to 40 C.F.R. § 144.51(a).

3 **III. ORDER FOR COMPLIANCE**

4 40. Based on the Findings set forth above, and pursuant to EPA's authority under section  
5 1423(c) of the Act, 42 U.S.C. § 300h-2(c), and 40 C.F.R. § 144.12(c), the designated Regional  
6 Official for EPA Region IX hereby ORDERS:

7 41. Compliance Activities. Respondents shall perform the following compliance activities to  
8 bring Disposal Field A into compliance with the Act's UIC Program requirements at 40  
9 C.F.R. Part 144:

- 10 a. Submit Compliance Plan. Within 30 days of this ORDER's effective date,  
11 Respondents shall submit to EPA, for its review and approval, a compliance plan  
12 and schedule (Compliance Plan) that describes in detail the steps Respondents  
13 will take to modify or replace UIC Injection Well No. NV-WAS-5W32-001  
14 (Disposal Field A) so that it complies with the Act and its UIC Program  
15 regulations. The Compliance Plan shall describe any interim disposal methods  
16 that Respondents will implement until the permanent modification or replacement  
17 of Disposal Field A is achieved.
- 18 b. Cease Operation of UIC Injection Well No. NV-WAS-5W32-001 (Disposal Field  
19 A). Within 60 days of EPA's approval of the Compliance Plan, Respondents shall  
20 cease all injection activity at Disposal Field A and implement all interim and/or  
21 permanent disposal methods described in the EPA-approved Compliance Plan.
- 22 c. Monitor Pine View Estates Drinking Water for Nitrate-Nitrogen and Total Fecal  
23 Coliform. Within 30 days of EPA's approval of the Compliance Plan,  
24 Respondents shall initiate weekly drinking water monitoring for nitrate-nitrogen  
25 and fecal coliform collected from the Pine View Estates distribution system/water

1 tank. Samples shall be collected by a certified professional, and analyses of the  
2 water samples shall be conducted by a State of Nevada certified laboratory.

3 d. Report Analytical Results of Drinking Water Monitoring. Respondents shall  
4 report the analytical results of the weekly drinking water monitoring for nitrate-  
5 nitrogen and fecal coliform to EPA within 24 hours of completion of the  
6 analytical testing for these constituents. These results shall be sent electronically,  
7 by the certified professional conducting the analyses, to Mr. Aaron Setran at EPA  
8 Region 9's Enforcement Division ([setran.aaron@epa.gov](mailto:setran.aaron@epa.gov)).

9 e. Submit Final Engineering Report. Within 60 days of EPA's approval of the  
10 Compliance Plan, Respondents shall provide a copy of an Engineering Report to  
11 EPA that summarizes the actions taken to implement the EPA-approved  
12 Compliance Plan at Disposal Field A. At a minimum, the Engineering Report  
13 shall describe and document the as-built designs and engineering of the  
14 modified/new wastewater treatment system that replaces Disposal Field A.

15 f. Respondents shall operate and maintain any new or modified Pine View Estates  
16 wastewater treatment system in compliance with the Act's UIC Program.

17 g. Respondents shall submit all documents required by this ORDER to:

18 Aaron Setran  
19 Enforcement Division (ENF-3-3)  
20 U.S. Environmental Protection Agency, Region 9  
21 75 Hawthorne Street  
22 San Francisco, California 94105

23 h. All reports submitted to EPA Region IX pursuant to this ORDER shall be signed  
24 by a duly authorized representative of Respondents, and shall include the  
25 following statement:

"I certify under penalty of law that this document and all attachments were  
prepared by direct supervision or in accordance with a system designed to assure

1 that qualified personnel properly gather and evaluate the information submitted.  
2 Based on my inquiry of the person or persons who manage the system, or those  
3 persons directly responsible for gathering the information, I certify that the  
4 information submitted is, to the best of my knowledge and belief, true, accurate,  
5 and complete. I am aware that there are significant penalties for submitting false  
6 information, including the possibility of fine and imprisonment for knowing  
7 violations.” [signature].

8 **42. General Provisions**

- 9 a. The provisions of this ORDER shall apply to and be binding upon Respondents,  
10 their officers, directors, agents, successors, and assigns. Notice of this ORDER  
11 shall be given to any successors in interest prior to transfer of Respondents’  
12 wastewater treatment system at Pine View Estates. Action or inaction of any  
13 persons, firms, contractors, employees, agents, or corporations acting under,  
14 through, or for Respondents shall not excuse any failure of Respondents to fully  
15 perform their obligations under this ORDER.
- 16 b. This ORDER does not constitute a waiver, suspension, or modification of the  
17 requirements of any federal, state, or local statute, regulation, or condition of any  
18 permit issued thereunder, including the requirements of the Act and  
19 accompanying regulations at 40 C.F.R. Part 141 or 144. Issuance of this ORDER  
20 is not an election by EPA to forgo any civil or any criminal action otherwise  
21 authorized under the Act.
- 22 c. Notwithstanding compliance with the terms of this ORDER, EPA is not precluded  
23 from taking any action authorized by law including, but not limited to, the  
24 issuance of additional administrative orders, and/or the initiation of judicial  
25 actions, against Respondents. EPA expressly reserves the right to enforce this  
ORDER through appropriate proceedings.

1 d. Violations of the terms of the ORDER after its effective date or the date of final  
2 judgment in the event of an appeal under section 1423(c)(6) of the Act, 42 U.S.C.  
3 § 300h-2(c)(6), may subject the Respondents to a civil action in a United States  
4 district court with penalties up to \$37,500 per day of violation as authorized in  
5 section 1423(b) of the Act, 42 U.S.C. § 300h-2(b) and/or section 1423(c)(7) of the  
6 Act, 42 U.S.C. § 300h-2(c)(7).

7 43. Public Notice. Pursuant to section 1423(c)(3)(B) of the Act, 42 U.S.C. § 300h-  
8 2(c)(3)(B), EPA has provided public notice of, and reasonable opportunity to comment on, this  
9 ORDER.

10 44. Effective Date. Pursuant to section 1423(c)(3)(D) of the Act, 42 U.S.C. § 300h-  
11 2(c)(3)(D), this ORDER will become effective 30 days following its issuance, unless an appeal  
12 to a United States District Court is taken pursuant to section 1423(c)(6) of the Act, 42 U.S.C. §  
13 300h-2(c)(6).

14 Issued this \_\_\_\_ day of \_\_\_\_\_, 2013

15  
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18 PRESIDING OFFICER  
19 EPA, Region 9  
20  
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1 **CERTIFICATE OF SERVICE**

2  
3 I certify that, on the date noted below, I caused to be mailed by certified mail, return  
4 receipt requested, a copy of the foregoing "Compliance Order" to the following addresses:

5 PTP Inc.  
6 c/o Mr. Howard Yarborough  
7 Yarborough & Company  
8 101 W. Arroyo Street  
9 Reno, Nevada 89506

10 Pine View Estates Homeowners Association  
11 c/o Judy M. Sheldrew  
12 P.O. Box 1987  
13 Minden, Nevada 89423

14 Mr. Leon Mark Kizer  
15 Washoe Tribe  
16 919 US Hwy 395 South  
17 Gardnerville, Nevada 89410

18 Bryan Bowker, Regional Director  
19 United States Department of the Interior  
20 Western Regional Office  
21 2600 North Central Avenue  
22 Phoenix, Arizona 85004

23 Dated: \_\_\_\_\_  
24 at San Francisco, California

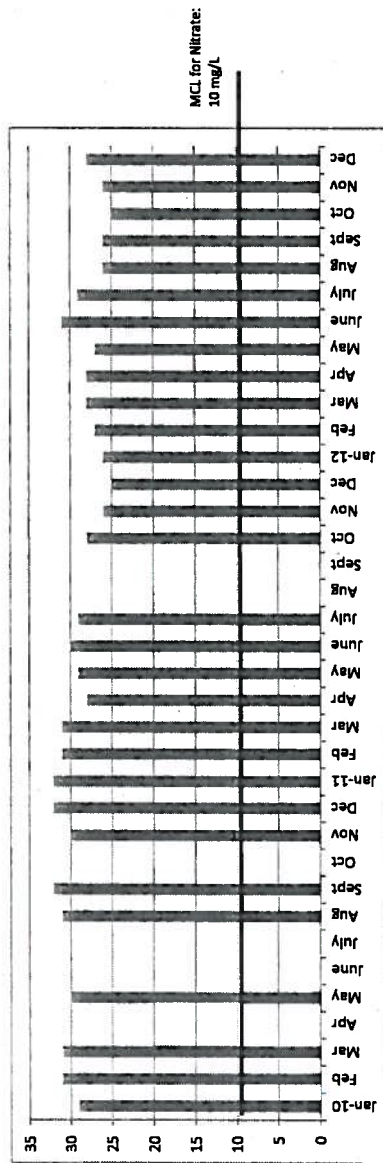
25 By: \_\_\_\_\_



Highest Reported  
Value for  
Nitrate (mg/L) in GW

GW Monitoring  
Period

Jan-10	29
Feb	31
Mar	31
Apr	Not Reported
May	30
June	Not Reported
July	Not Reported
Aug	31
Sept	32
Oct	Not Reported
Nov	30
Dec	32
Jan-11	32
Feb	31
Mar	31
Apr	28
May	29
June	30
July	29
Aug	Not Reported
Sept	Not Reported
Oct	28
Nov	26
Dec	25
Jan-12	26
Feb	27
Mar	28
Apr	28
May	27
June	31
July	29
Aug	26
Sept	26
Oct	25
Nov	26
Dec	28



Ground Water Monitoring Period: Disposal Field A



Exhibit B

Pineview GW  
Fecal Coliform Violations

Monitoring Period	Number of GW wells Exceeding MCL for Fecal Coliform
<u>2010</u>	
Jan	2
Feb	1
Mar	1
May	4
<u>2011</u>	
Mar	1
Oct	2
Nov	1
<u>2012</u>	
Nov	1





United States  
Environmental Protection  
Agency

Office of Enforcement and Compliance Assurance (2201A)  
EPA 300-F-07-003 October 2007

## Office of Enforcement and Compliance Assurance INFORMATION SHEET

### U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance resources such as workshops, training sessions, hotlines, websites, and guides to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance, and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

#### Compliance Assistance Centers

(www.assistancecenters.net)  
In partnership with industry, universities, and other federal and state agencies, EPA has established Compliance Assistance Centers that provide information targeted to industries with many small businesses.

Agriculture  
(www.epa.gov/agriculture or 1-888-663-2155)

Automotive Recycling Industry  
(www.acricenter.org)

Automotive Service and Repair  
(www.car-greenlink.org or 1-888-GRN-LINK)

Chemical Industry  
(www.chemalliance.org)

Construction Industry  
(www.dccenter.org or 1-734-995-4911)

Education  
(www.campusenc.org)

Healthcare Industry  
(www.hccenter.org or 1-734-995-4911)

Metal Finishing  
(www.mnfc.org or 1-734-995-4911)

Paints and Coatings  
(www.paintcenter.org or 1-734-995-4911)

Printed Wiring Board Manufacturing  
(www.pwmc.org or 1-734-995-4911)

Printing  
(www.pnec.org or 1-888-USPNEAC)

Transportation Industry  
(www.transsource.org)

Tribal Governments and Indian Country  
(www.epa.gov/tribalcompliance or 202-564-2519)

US Border Environmental Issues  
(www.bordercenter.org or 1-734-995-4911)

The Centers also provide State Resource Locators (www.enrca.org/stateloc/index.cfm) for a wide range of topics to help you find important environmental compliance information specific to your state.

#### EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

EPA's Home Page  
www.epa.gov

Small Business Gateway  
www.epa.gov/smallbusiness

Compliance Assistance Home Page  
www.epa.gov/complianceassistance

Office of Enforcement and Compliance Assurance  
www.epa.gov/compliance

Voluntary Partnership Programs  
www.epa.gov/partners

### U. S. EPA SMALL BUSINESS RESOURCES

#### Hotlines, Helplines & Clearinghouses

(www.epa.gov/epahome/hotline.htm)  
EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. A few examples are listed below.

Clean Air Technology Center  
(www.epa.gov/rlsc/calc or 1-819-541-0800)

Emergency Planning and Community Right-To-Know Act  
(www.epa.gov/epfund/resources/rlsccenter/epcra.htm or 1-800-424-8346)

EPA's Small Business Ombudsman Hotline provides regulatory and technical assistance information.  
(www.epa.gov/sbo or 1-800-368-5888)

The National Environmental Compliance Assistance Clearinghouse provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers  
(www.epa.gov/clearinghouse)

National Response Center to report oil and hazardous substance spills.  
(www.nrc.uscg.mil or 1-800-424-8802)

Pollution Prevention Information Clearinghouse  
(www.epa.gov/ppinfo/pppic or 1-202-566-0799)

Safe Drinking Water Hotline  
(www.epa.gov/safewater/hotline/index.html or 1-800-426-4791)

Stratospheric Ozone Ratifiers Information  
(www.epa.gov/ozonr or 1-800-296-1989)

Toxics Assistance Information Service also includes asbestos inquiries.  
(1-202-554-1404)

Wetlands Helpline  
(www.epa.gov/owow/wetlands/wetline.html or 1-800-832-7828)

#### State Agencies

Many state agencies have established compliance assistance programs that provide on-site and other types of assistance. Contact your local state environmental agency for more information or the following two resources.

EPA's Small Business Ombudsman  
(www.epa.gov/sbo or 1-800-368-5888)

Small Business Environmental Homepage  
(www.smallbiz-enviroweb.org or 1-724-452-4722)

#### Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated,

businesses may be eligible for penalty waivers or reductions. EPA has two policies that potentially apply to small businesses:

The Small Business Compliance Policy  
(www.epa.gov/compliance/incentives/smallbusiness)

Audit Policy  
(www.epa.gov/compliance/incentives/auditing)

#### Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established an SBA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System (NAICS) designation, number of employees, or annual receipts, defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

#### Your Duty to Comply

If you receive compliance assistance or submit comments to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.

